

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2007-211

Rosalind Pitchford
817 West 131st Street
Compton, CA 90222

Registered Nurse License No. 500171

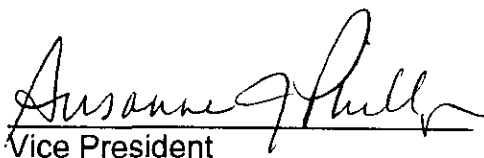
Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on 12/24/2007.

IT IS SO ORDERED this 12/24/2007.


Vice President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM,
Supervising Deputy Attorney General
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-211

13 ROSALIND Y. PITCHFORD
817 West 131st Street
14 Compton, CA 90222

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Registered Nurse License No. 500171

16 Respondent.
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18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Complainant Ruth Ann Terry, M.P.H, R.N., is the Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
25 by Anne Hunter, Deputy Attorney General.

26 2. Respondent Rosalind Y. Pitchford is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.

28 3. On or about March 31, 1994, the Board of Registered Nursing issued

1 respondent Registered Nurse License No. 500171. The license expired on June 30, 2007, and has
2 not been renewed.

3 JURISDICTION

4 4. Accusation No. 2007-211 was filed before the Board of Registered
5 Nursing ("Board"), Department of Consumer Affairs, State of California, and is currently
6 pending against respondent. The accusation and all other statutorily required documents were
7 properly served on respondent on August 20, 2007. Respondent timely filed her Notice of
8 Defense contesting the Accusation. A copy of Accusation No. 2007-211 is attached as exhibit A
9 and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2007-211. Respondent also has carefully read, and fully understands the
13 effects of this Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the accusation; the right to be represented by
16 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2007-211, agrees that cause exists for discipline and hereby surrenders her
26 Registered Nurse License No. 500171 for the Board's formal acceptance.

27 9. Respondent admits that on February 20, 2007, the Board ordered her to be
28 examined by a designated psychologist to determine her ability to practice nursing safely.

1 10. Respondent admits that on or about May 8, 2007, the Board's designated
2 psychologist determined that her ability to practice nursing safely was impaired because of a
3 mental illness.

4 11. Respondent understands that by signing this stipulation she enables the
5 Board to enter an order accepting the surrender of her Registered Nurse License without further
6 process.

7 **RESERVATION**

8 12. The admissions made by respondent herein are only for the purposes of
9 this proceeding, or any other proceedings in which the Board or other professional licensing
10 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

11 **CONTINGENCY**

12 13. This stipulation shall be subject to approval by the Board of Registered
13 Nursing. Respondent understands and agrees that counsel for complainant and the staff of the
14 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
15 and settlement, without notice to or participation by respondent. By signing the stipulation,
16 respondent understands and agrees that she may not withdraw her agreement or seek to rescind
17 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
18 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 14. The parties understand and agree that facsimile copies of this Stipulated
23 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
24 and effect as the originals.

25 15. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the Board may, without further notice or formal proceeding, issue and enter the
27 following Order:
28

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 500171, issued to respondent Rosalind Y. Pitchford is surrendered and accepted by the Board.

16. The surrender of Respondent's Registered Nurse License No. 500171 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against respondent. This stipulation constitutes a record of the discipline and shall become a part of respondent's license history with the Board.

17. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

18. Respondent shall cause to be delivered to the Board both her Registered Nurse License No. 500171 wall certificate and pocket license on or before the effective date of the Decision and Order..

19. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat either form as a petition for reinstatement, and shall not reinstate her license until it has received competent evidence of the absence or control of the condition which led to the determination that respondent could not practice her profession safely and until it is satisfied that respondent's right to practice her profession may be safely reinstated.

20. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2007-211 shall be deemed to be true, correct and admitted by respondent when the Board determines whether to grant or deny the petition.

21. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2007-211 shall be

1 deemed to be true, correct, and admitted by respondent for the purpose of any Statement of Issues
2 or any other proceeding seeking to deny or restrict licensure.

3 22. Respondent shall not apply for licensure or petition for reinstatement for
4 one (1) year from the effective date of the Board's Decision and Order.

5
6 **ACCEPTANCE**

7 I have carefully read the Stipulated Surrender of License and Order. I understand
8 the stipulation and the effect it will have on my Registered Nurse License No. 500171. I enter
9 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
10 agree to be bound by the Decision and Order of the Board of Registered Nursing.

11 DATED: 8-30-2007.

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13 Rosalind Pitchford
14 Rosalind Y. Pitchford
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: Sept. 5, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM,
Supervising Deputy Attorney General



ANNE HUNTER,
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006601297
60238506.wpd

Exhibit A
Accusation No. 2007-211

EDMUND G BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2007-211

ROSALIND Y. PITCHFORD
817 West 131st Street
Compton, CA 90222

ACCUSATION

Registered Nurse License No. 500171

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.
2. On or about March 31, 1994, the Board of Registered Nursing issued Registered Nurse License No. 500171 to Rosalind Y. Pitchford (Respondent). The Registered Nurse License was in effect at all times relevant to the charges brought herein and expired on June 30, 2007, without being renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing

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(Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct

. . . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

. . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
2 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
3 or administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 “(b) Use any controlled substance as defined in Division 10 (commencing with
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
8 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
9 injurious to himself or herself, any other person, or the public or to the extent that such use
10 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
11 license.

12 “(c) Be convicted of a criminal offense involving the prescription, consumption,
13 or self-administration of any of the substances described in subdivisions (a) and (b) of this
14 section, or the possession of, or falsification of a record pertaining to, the substances described in
15 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
16 thereof.

17 8. Section 490 of the Code states:

18 “A board may suspend or revoke a license on the ground that the licensee has
19 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
20 duties of the business or profession for which the license was issued. A conviction within the
21 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
22 contendere. Any action which a board is permitted to take following the establishment of a
23 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
24 been affirmed on appeal, or when an order granting probation is made suspending the imposition
25 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
26 Penal Code.”

27 9. California Code of Regulations, title 16, section 1444, states:

28 “A conviction or act shall be considered to be substantially related to the

1 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
2 present or potential unfitness of a registered nurse to practice in a manner consistent with the
3 public health, safety, or welfare."

4 10. Section 2770 of the Code states:

5 "It is the intent of the Legislature that the Board of Registered Nursing seek ways
6 and means to identify and rehabilitate registered nurses whose competency may be impaired due
7 to abuse of alcohol and other drugs, or due to mental illness so that registered nurses so afflicted
8 may be rehabilitated and returned to the practice of nursing in a manner which will not endanger
9 the public health and safety. It is also the intent of the Legislature that the Board of Registered
10 Nursing shall implement this legislation by establishing a diversion program as a voluntary
11 alternative to traditional disciplinary actions."

12 11. Section 2770.7 requires the Board to establish criteria for accepting,
13 denying or terminating the participation of registered nurses in the diversion program.

14 12. Section 2770.8 sets forth the duties of the Diversion Evaluation
15 Committee [DEC]. The duties include considering whether a registered nurse participating in a
16 program may safely continue or resume the practice of nursing.

17 13. Section 2770.11 states:

18 "(a) Each registered nurse who requests participation in a diversion program shall
19 agree to cooperate with the rehabilitation program designed by a committee. Any failure to
20 comply with the provisions of a rehabilitation program may result in termination of the registered
21 nurse's participation in a program. The name and license number of a registered nurse who is
22 terminated for any reason, other than successful completion, shall be reported to the board's
23 enforcement program.

24 "(b) If a committee determines that a registered nurse, who is . . . terminated from
25 the program, presents a threat to the public or his or her own health and safety, the committee
26 shall report the name and license number, along with a copy of all diversion records for that
27 registered nurse, to the board's enforcement program. The board may use any of the records it
28 receives under this subdivision in any disciplinary proceeding."

1 14. California Code of Regulations, title 16, section 1448, provides in
2 pertinent part:

3 "The committee may terminate a nurse's participation in the program for any of
4 the following reasons:

5 "(a)

6 (b) Failure to comply with the rehabilitation program designated by the committee.

7

8 (d) Failure to substantially benefit from participation in the program."

9 15. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licensee found to have committed a violation or
11 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
12 and enforcement of the case.

13 16. **CONTROLLED SUBSTANCE**

14 a. Vicodin, (Hydrocodone/APAP 5/500), a brand name for Hydrocodone
15 and Acetaminophen, is a Schedule III controlled substance as designated by Health and Safety
16 Code section 11056(e)(4) and classified as a dangerous drugs pursuant to section 4022 of the
17 Code.

18 17. **DANGEROUS DRUG**

19 a. Soma, brand name for Carisprodol, is a dangerous drug according to
20 Business and Professions Code section 4022. Its indicated use is as an adjunct to rest, physical
21 therapy and other measures for acute painful musculoskeletal conditions.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Conviction of a Substantially Related Crime)**

24 18. Respondent is subject to disciplinary action under section 2761,
25 subdivision (f), as defined in section 490 of the Code, in conjunction with California Code of
26 Regulations, title 16, section 1444, in that respondent was convicted of a crime substantially
27 related to the qualifications, duties and functions of a registered nurse. The circumstances are as
28 follows:

1 a. On or about September 30, 2004, respondent pled guilty to and was
2 convicted of one count of violating Vehicle Code section 23152, subdivision (a) (driving under
3 the influence), a misdemeanor, in *The People of the State of California v. Rosalind Yvette*
4 *Pitchford*, San Bernardino County Superior Court Case No. TWV045207. Her sentence included
5 a term of summary probation ending November 3, 2007.

6 b. The circumstances surrounding the conviction are that on or about July 27,
7 2004, the California Highway Patrol stopped respondent for following another vehicle too
8 closely and weaving within lanes and over the lane lines. The officer observed respondent's red
9 and watery eyes, slurred speech, inability to maintain her balance, and slow and sluggish
10 movements. Respondent told the officer she had taken Vicodin and two Soma tablets several
11 hours before he stopped her. She submitted to a blood test and was arrested for driving under the
12 influence of drugs. Respondent's blood sample was positive for Carisprodol and Vicodin.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Administered Controlled Substances to Oneself)**

15 19. Respondent is subject to disciplinary action under Code section 2761,
16 subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762,
17 subdivisions (a) and (b), in that respondent self-administered Vicodin, a controlled substance,
18 and Soma, a dangerous drug, as set forth more fully in paragraph 18 above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Conviction Involving Controlled Substances)**

21 20. Respondent is subject to disciplinary action under section 2761,
22 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2762,
23 subdivision (c), in that respondent's convictions resulted from her consumption of a controlled
24 substance and a dangerous drug, to an extent or in a manner dangerous to herself, and the public,
25 as set forth more fully in paragraph 18 above.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 **(Termination from Diversion)**

28 21. Respondent is subject to disciplinary action under Code section 2761,

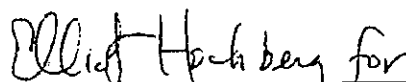
1 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2770.11,
2 subdivision (b), and in conjunction with California Code of Regulations, title 16, section 1448,
3 for failing to comply with or substantially benefit from the Board's diversion program.
4 Respondent was terminated from the program on or about April 27, 2006, when the Diversion
5 Evaluation Committee determined she was a threat to public safety.

6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters herein
8 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 9 1. Revoking or suspending Registered Nurse License Number 500171, issued
10 to Rosalind Y. Pitchford.
- 11 2. Ordering Rosalind Y. Pitchford to pay the Board of Registered Nursing the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and
- 14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: 8/16/07

16
17 
18 RUTH ANN TERRY, M.P.H., R.N.
19 Executive Officer
20 Board of Registered Nursing
21 Department of Consumer Affairs
22 State of California
23 Complainant
24
25